

#8 C2
ADOPTED
8-3-93

AN ORDINANCE REGULATING DOOR-TO-DOOR PEDDLING
AND SOLICITING, CREATING EXCEPTIONS THEREFROM
AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED by the Town Council of The Town of Greenwood, in Council met, in the manner following, to wit:

Section 1. Unless the context clearly indicates to the contrary, the following definitions shall be applicable:

(a) PERSON shall mean any individual, natural person, joint stock company, partnership, voluntary association, society, club, firm, company, corporation, business trust, organization, or any other group acting as a unit, with a manager, lessee, agent, servant, partner, member, director, officer or employee of any of them.

(b) The term PEDDLER shall mean any person who sells or offers to sell goods, wares, or merchandise within the corporate limits of the Town.

(c) The term RESIDENCE shall mean and include any separate living unit occupied for residential purposes by one or more persons contained within any type of building or structure.

(d) SOLICITOR shall mean and include any person who performs any one or more of the following activities:

(1) Seek to obtain orders for the purchase of goods, wares, merchandise, food stuff, services of any kind, character or description whatever for any kind of consideration whatever;

(2) Seek to obtain prospective customers for application or purchase of insurance of any kind, type or publication;

(3) Seek to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication;

(4) Seek to obtain gifts or contributions of money, clothing or any other valuable for the support or benefit of any charitable or non-profit association, organization, corporation or project.

(e) The term **TOWN** shall mean The Town of Greenwood.

Section 2. It shall be unlawful for any person to peddle door-to-door any goods, wares or merchandise of any kind or to solicit door-to-door orders for goods, wares or merchandise or services, either on foot or by any other means, including but not restricted to horse-drawn vehicles, vehicles pushed by hand or vehicles propelled by bicycle or by automobile or truck, without obtaining a Certificate of Registration from the Code Enforcement Officer.

Section 3. Any person who desires to obtain a Certificate of Registration for door-to-door peddling or soliciting shall file an application with the Code Enforcement Officer on a form supplied by the Town, and shall

pay a registration fee of Twenty-Five Dollars (\$25.00), the form of application to contain at least the following information:

(a) A title of ownership of the business, i.e. whether an individual, partnership, corporation or otherwise;

(b) The name, style and designation under which the business or practice is to be conducted;

(c) The business address and all telephone numbers of each peddler or solicitor;

(d) The age of each peddler or solicitor;

(e) The physical description of each peddler or solicitor;

(f) The name and address of each employer during the past three (3) years of each peddler or solicitor;

(g) The dates and hours of each day when the peddling or soliciting will be performed;

(h) Whether a Certificate of Registration has been revoked by any governmental agency;

(i) Any conviction of any peddler or solicitor of a felony under the laws of the State of Delaware or of any other State or of any law of the United States of America;

(j) A description of the goods, wares or merchandise which are to be peddled or for which orders are to be solicited;

(k) The names and locations of the three (3) most recent communities where the applicant has peddled goods, wares or merchandise or services or has made solicitations;

(l) The social security number of each peddler or solicitor;

(m) Whether each peddler or solicitor is an unpaid volunteer or whether they are paid and if so, whether they are on salary, an hourly rate or on commission;

(n) Authorization for the Town, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application on the qualifications of the applicant and each peddler or solicitor for a Certificate of Registration;

(o) The names and addresses of three (3) adult residents of Sussex County or Kent County who will serve as character references for each peddler or solicitor. These references must be persons other than relatives and business associates;

(p) Written declaration by the applicant, under penalty of perjury that the information contained in the application is true and correct with said declaration being dated and signed in the Town.

Section 4. All Certificates of Registration issued pursuant to the provisions of this Ordinance shall expire on the 30th day of June, next following the issue thereof.

Section 5. No charge for a Certificate of Registration shall be made to any charitable or public service institution, association, club or body not organized and conducted for private gain nor shall the Town be charged for a Certificate of Registration.

Section 6. The Code Enforcement Officer upon receipt of the verified application and following his investigation shall issue the Certificate of Registration. Each such Certificate of Registration shall specify the names and addresses of all peddlers and solicitors and the dates and times during which peddling and soliciting is to be accomplished.

Section 7. The Code Enforcement Officer may revoke any Certificate of Registration granted pursuant to the terms and provisions of this Ordinance because of a violation of any of the provisions of this Ordinance or of any other Ordinance of the Town or of any law of the United States or of the State of Delaware or if any false information is contained in the application for the Certificate of Registration.

Section 8. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof in a court of competent jurisdiction shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars

(\$100.00) or imprisoned for a term of not ^{less} more than ten (10) days nor more than thirty (30) days for the first such conviction and for a second or subsequent conviction shall pay a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) or be imprisoned for a term not less than twenty days nor more than sixty (60) days and shall pay the costs of prosecution. For the purposes of this Ordinance each day that a violation of any of the provisions of this Ordinance continues shall be deemed and taken to be a separate and distinct offense.