

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 111: CANVASSERS AND SOLICITORS

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§ 111.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CANVASSER or **SOLICITOR**. Any individual, whether a resident of the town or not, traveling 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 the individual has, carries, or exposes for sale a sample of the subject of the sale or whether he or she is collecting advance payments on these sales or not. This definition shall include any person who, for himself, herself, or for another person, hires, leases, uses, or occupies any building, structure, tent, hotel room, lodging house, apartment, shop, or any other place within the town for the sole purpose of exhibiting samples and taking orders for future delivery. This definition shall not apply to any person who solicits:

- (1) Orders solely from industrial, commercial, or professional establishments within the town.
- (2) Orders solely for agricultural or forest products.
- (3) Orders solely for any kind of insurance, if the individual is licensed by the state, county, or town.

(4) For schools or approved educational, religious, or charitable organizations, when the proceeds from the solicitation in excess of the cost of goods sold go to the fund of some approved educational or charitable organization.

('87 Code, § 112.01) (Ord. passed 9-5-84)

§ 111.02 PERMIT REQUIRED.

It shall be unlawful for any solicitor or canvasser to engage in such business within the corporate limits of the town without first obtaining a permit therefor in compliance with the provisions of this chapter.

('87 Code, § 112.02) (Ord. passed 9-5-84) Penalty, see § 111.99

§ 111.03 APPLICATION; FEE.

(A) An applicant for a permit under this chapter shall file with the Town Manager a sworn application in writing on a form to be furnished by the Town Manager which shall give the following information:

- (1) The name and description of the applicant.
- (2) The permanent home address and full local address of the applicant.
- (3) A brief description of the nature of the business and the goods or services to be sold.
- (4) If employed or acting as an agent, the name and address of the employer or principal, together with credentials establishing the exact relationship.
- (5) The length of time for which the permit is desired.
- (6) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced where the goods or products are located at the time the application is filed, and the proposed method of delivery.
- (7) Two photographs of the applicant taken within 60 days immediately prior to the date of the filing of the application, which photographs shall be two inches by two inches, showing the head and shoulders of the applicant in a distinguishing manner.
- (8) The fingerprints of the applicant.
- (9) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance; the nature of the offense; and the punishment or penalty assessed therefor.

(10) A statement by a reputable physician dated not more than ten days prior to submission of the application certifying the applicant to be free of contagious, infectious, or communicable disease.

(B) If any applicant for a permit has been convicted of any felony, misdemeanor, or violation of this code or other town ordinance, the Town Manager shall submit the application to the Chief of Police for his or her approval. If the Chief of Police shall find the previous criminal record of the applicant justifies the conclusion that the health and safety of occupants of homes solicited might be menaced by commission of a breach of the peace or some form of assault, he or she shall not approve the issuance of a permit.

(C) At the time of filing the application, a fee fixed by the Town Council and kept on file in the office of the Town Manager shall be paid to the town to cover the cost of issuing the permit. ('87 Code, § 112.03) (Ord. passed 9-5-84)

§ 111.04 BOND.

Before a permit is issued under this chapter, every applicant not a resident of the town or who, being a resident of the town represents a firm which does not have assets within the state which are subject to attachment whose principal place of business is located outside of the state, shall file with the Town Manager a surety bond running to the town in the amount of \$1,000, with surety acceptable to and approved by the Town Manager, conditioned that the applicant shall comply fully with all provisions of this code and other ordinances of the town and the statutes of the state regulating and concerning the business of solicitors and guaranteeing to any citizen of the town that all money paid as a down payment will be accounted for and applied according to the representation of the solicitor and further guaranteeing to any citizen of the town doing business with the solicitor that the property purchased will be delivered according to the representations of the solicitor. The bond shall provide that action thereon may be brought in the name of the town to the use or benefit of the aggrieved person. A surety bond issued by any surety company licensed to do business by the State Department of Insurance shall constitute a valid bond under this section.

('87 Code, § 112.04) (Ord. passed 9-5-84)

§ 111.05 ISSUANCE OF PERMIT.

Upon receipt of an application for a permit under § 111.03 and payment of the prescribed fee therefor, the Town Manager or other town official charged with regulation of solicitors shall deliver to the applicant:

(A) A permit containing the signature of the issuing officer, the name, address, and photograph of the licensee; the class of permit issued and the kind of goods to be sold thereunder; the date of issuance of the permit; the length of time the permit shall be in effect; the permit number; and an identifying description of any vehicles used in the soliciting.

(B) A badge which shall contain the words "licensed solicitor." The badge shall also show the period for which the permit is issued and the number of the permit.

(C) A copy of this chapter.

('87 Code, § 112.05) (Ord. passed 9-5-84)

§ 111.06 DURATION.

A permit issued under § 111.05 shall be effective during the fiscal year beginning July 1 and ending on June 30, unless the application requests permission to do business for a lesser period, in which case the permit shall be valid for that period. The permit is applicable only during the hours between 8:00 a.m. and 8:00 p.m.

('87 Code, § 112.06) (Ord. passed 9-5-84) Penalty, see § 111.99

§ 111.07 DISPLAY OF BADGE; PRODUCTION OF PERMIT.

(A) The badge issued under the provisions of § 111.05(B) shall, during the time the solicitor is engaged in soliciting, be worn constantly by him or her on the front of his or her outer garment in a way as to be conspicuous.

(B) It shall be the duty of any police officer in the town to require any person seen soliciting or canvassing to produce his or her solicitor's or canvasser's permit and to enforce the provisions of this chapter against any person found to be violating the same.

('87 Code, § 112.07) (Ord. passed 9-5-84) Penalty, see § 111.99

§ 111.08 REVOCATION OF PERMIT.

(A) A permit issued under the provisions of this chapter may be revoked by the Chief of Police, after notice and hearing, for any of the following causes:

(1) Fraud, misrepresentation, or false statement made in the course of carrying on business as a solicitor or canvasser or a statement made in the application for a permit.

(2) Any violation of this chapter.

(3) Soliciting or canvassing in an unlawful or abusive manner or in a manner as to constitute a breach of the peace or a menace to the health and enjoyment of the privacy of the home of any individual called upon or solicited.

(4) Conviction during the permit year of any crime or misdemeanor involving moral turpitude.

(B) A notice of the hearing for revocation of the license shall be given in writing, setting forth specifically the grounds for complaint and the time and place of the hearing. The notice shall be mailed, postage paid, to the licensee at his or her last known address at least five days prior to the date set for the hearing.

('87 Code, § 112.08) (Ord. passed 9-5-84)

§ 111.09 APPEAL.

Any person aggrieved by the action of the Chief of Police in the denial of or in the revocation of a permit, or the rejection of an application for a permit under § 111.03(B), shall have the right to appeal to the Town Council. The appeal shall be taken by filing with the Town Council, within 14 days after notice of the action complained of has been mailed to the person's last known address, a written statement setting forth fully the grounds for the appeal. The Town Council shall set a time and place for a hearing on the appeal, and notice of the hearing shall be given to the applicant in the same manner as provided for notice of hearing on revocation. The decision of the Town Council on the appeal shall be final and conclusive.

('87 Code, § 112.09) (Ord. passed 9-5-84)

§ 111.99 PENALTY.

Any person, firm, or corporation violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be punished in accordance with the provisions of § 10.99.

('87 Code, § 112.99) (Ord. passed 9-5-84)

CHAPTER 112: ADVERTISING

Section

- 112.01 Purpose
- 112.02 Definitions
- 112.03 Distribution of handbills
- 112.04 Posting of bills or notices

§ 112.01 PURPOSE.

In order to protect the people against the nuisance of the promiscuous distribution of handbills and circulars (particularly commercial handbills), the public interest, convenience, and necessity requires the regulation thereof, and to that end the purposes of this chapter shall be as follows:

(A) To protect the people against the health and safety menace and the expense incident to the littering of the streets and public places by the promiscuous and uncontrolled distribution of advertising matter and commercial handbills.

(B) To preserve to the people their constitutional rights to receive and disseminate information not restricted under the ordinary rules of decency and good morals and public order, by the promiscuous distribution of advertising and commercial circulars and the right to deliver noncommercial handbills to all who are willing to receive such handbills.

(‘87 Code, § 111.01)

§ 112.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BILLPOSTER. Any person engaging in the business for hire of posting, fastening, nailing, or affixing any written, painted, or printed matter of any kind containing a message of information of any kind to any outdoor billboard or on any bridge, fence, pole, post, sidewalk, tree, or on the exterior of any other structure. This definition shall not apply to or include any sign mounted on, fastened to, or suspended from the outside of any building or other structure in accordance with and authorized by any provision of this code or any statute, either for any public convenience or use or for regulating the construction or use of outdoor display signs whether the display signs are illuminated or not.

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COMMERCIAL HANDBILL. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper booklet, or any other printed or otherwise reproduced original or copy of any matter of literature which:

- (1) Advertises for sale any merchandise, produce, commodity, or thing;
- (2) Directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales;
- (3) Directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind for which an admission fee is charged for the purposes of private gain or profit. However, the terms of this division shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given, or takes place in connection with the dissemination of information which is not restricted under ordinary rules of decency, good morals, public peace, safety, and good order. Further, nothing contained in this division shall be deemed to authorize the holding, giving, or taking place of any meeting, theatrical performance, exhibition, or event of any kind without a license, where such license is or may be required by any law of this state or any ordinance of this town; or,
- (4) While containing reading matter other than advertisement, is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.

HANDBILL DISTRIBUTOR. Any person engaging or engaged in the business for hire or gain of distributing commercial or noncommercial handbills, other than newspapers distributed to subscribers thereof, and any person receiving compensation directly or indirectly for the distribution of such handbills.

NEWSPAPERS. Any newspaper of general circulation as defined by general law; any newspaper duly entered with the Post Office Department of the United States in accordance with federal statute or regulation; any newspaper filed and recorded with any recording office as provided by general law; and in addition thereto, shall mean and include any periodical or current magazine regularly published with no less than four issues per year and sold to the public.

NONCOMMERCIAL HANDBILL. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copy of any matter or literature not included in the definitions of commercial handbill or newspaper.

PRIVATE PREMISES. Any dwelling, house, building, or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily uninhabited or vacant, and shall include any yard, ground, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.
(‘87 Code, § 111.02)

§ 112.03 DISTRIBUTION OF HANDBILLS.

(A) *Throwing or distributing handbills in public places.* No person shall throw or deposit any commercial or noncommercial handbill in or on any sidewalk, street, or other public place within the town or hand out, distribute, or sell any commercial handbill in any public place; provided, that any person may hand out, distribute, or sell to the receiver thereof any noncommercial handbill to any person willing to accept it.

(B) *Placing commercial and noncommercial handbills on vehicle.*

(1) No person shall throw or deposit any commercial or noncommercial handbill in or on any vehicle.

(2) This division (B) shall not prohibit any person in any public place from handing out or distributing, without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

(C) *Distributing handbills on streets, highways, and intersections.* No person shall, in the course of distributing commercial or noncommercial handbills to occupants of vehicles temporarily stopped on town streets, highways, or intersections, distribute handbills if such actions:

(1) Obstruct any public street, highway, or intersection by hindering, impeding, or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic, or pedestrians;

(2) Create or cause to be created a danger of breach of the peace; or,

(3) Create or cause to be created any danger to the life and safety of pedestrians or occupants of vehicles engaged in lawful passage on any street, highway, or intersection.

(D) *Depositing commercial and noncommercial handbills on uninhabited or vacant premises.*

(1) No person shall throw or deposit any commercial or noncommercial handbill in or on any private premises which are temporarily or continuously uninhabited or vacant, where:

(a) It is apparent that the property is unoccupied;

(b) It is apparent that a previous day's distribution of handbills has not been removed; or

(c) The owner has not given his or her permission to do so.

(E) *Distribution of commercial and noncommercial handbills at inhabited private premises.*

(1) No person shall throw, deposit, or distribute any commercial or noncommercial handbill in or on private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or on such private premises.

(2) Any person may place or deposit any noncommercial handbill in or on inhabited private premises which are not posted as provided in division (F) hereafter, unless requested by anyone on such premises not to do so; and may place or deposit any such handbill in or on such inhabited private premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places. However, mailboxes may not be so used when prohibited by federal postal law or regulations.

(3) This division (E) shall not apply to the distribution of mail by the United States, nor to newspapers, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements on any street, sidewalk, or other public place or on private property.

(F) *Distributing handbills prohibited where premises properly posted.* No person shall throw, deposit, or distribute any commercial or noncommercial handbill on private premises if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance thereof a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice indicating in any matter that the occupants of the premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left on such premises.

(G) *Commercial distributors of handbills; license required.*

(1) No person shall engage in the business of a handbill distributor for hire without first obtaining a license in accordance with this section.

(2) Any person desiring to engage, as principal, in the business of distributing commercial or noncommercial handbills for hire shall make application to and receive from the Town Manager a distributor's license. Such applicant shall make written application on forms provided for such purpose by the Town Manager. These forms shall contain, among other things that may be required, the name, the business address, and a brief description of the nature of the business to be conducted by the applicant, the probable number of agents and employees so to be engaged, together with a request for a license for the period for which the applicant seeks to engage in such business.

(3) License fees for a commercial distributor's license shall be set by the Town Council.

(4) No license issued under this section shall be transferable to any other person.

(5) If any commercial distributor's license is surrendered by the licensee or is revoked for cause, neither the licensee named in such license nor any other person shall be entitled to any refund of part of the license fee.

(6) The Town Council may revoke any license obtained under an application containing a false or fraudulent statement knowingly made by the applicant with intent to obtain a license by means of false or fraudulent representations or for violation of this chapter or any other relevant laws and regulations.

(7) The provisions of this section shall not be deemed to apply to distribution of mail by the United States nor to newspapers.

(H) All commercial handbills which are distributed, deposited, scattered, handed out, or circulated in any place or under any circumstances shall have printed on the corner, front, or back thereof, the following information:

(1) The name and address of the person who printed, wrote, compiled, or manufactured such handbill; and

(2) The name and address of the person who caused such handbill to be distributed.
(‘87 Code, § 111.03) Penalty, see § 10.99

§ 112.04 POSTING OF BILLS OR NOTICES.

(A) *License requirements.*

(1) No person shall engage in the business of a billposter for hire without first complying with the terms of this chapter and all other relevant laws and regulations.

(2) Any person desiring to engage, as principal, in the business of a billposter for hire, shall make application to and receive from the Town Manager a license in the manner and for the period prescribed by the terms of this section. Such applicant shall make written application on forms provided for such purpose by the Town Manager. These forms shall contain, among other things that may be required, the name, the business address, and a brief description of the nature of the business to be conducted by the applicant, the probable number of agents and employees so to be engaged, together with a request for a license for the period for which the applicant seeks to engage in such business. Such application shall be accompanied by the fee provided by the Town Council.

(3) No license issued under this section shall be transferable to any other person.

(4) If any billposter's license is surrendered by the licensee or is revoked for cause, neither the licensee named in such license nor any other person shall be entitled to any refund of any part of the license fee.

(5) The Town Council may revoke any license obtained under an application containing a false or fraudulent statement knowingly made by the applicant with intent to obtain a license by means of false or fraudulent representations or for violation of this chapter or any other relevant laws and regulations.

(B) *Prohibited activities.*

(1) No person shall post or affix any notice, poster, or other paper or device calculated to attract the attention of the public to any lamp post, public utility pole, or on any public structure or building, except as may be authorized or required by law.

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(2) No person shall post, paint, burn, set up, or expose any bill, placard, or advertisement, or cause the same to be posted, painted, burnt, set up, or exposed on the property or premises of any other person without first obtaining the consent of the legal owner or custodian of such property or premises.

(3) No person shall willfully or recklessly remove, tear down, deface, injure, or destroy any written or printed handbill, poster, or other notice or advertisement of like character legally posted or otherwise legally displayed in any public place in this town, so long as the same shall be of value for the purposes thereof to the person who posted or displayed the same, or caused it to be posted or displayed.

(4) No person shall paint, post, paste, or otherwise in any manner attach any bills, posters, streamers, or advertisements on any telephone, telegraph, electric light poles, or any other utility poles located on the streets, thoroughfares, or alleys in the town. The Police Department shall tear down or remove any bills, posters, or display advertisements in any manner attached to any utility poles.
(‘87 Code, § 111.04) Penalty, see § 10.99

CHAPTER 113: CABLE TELEVISION

Section

113.01 Regulation of basic service tier rates and related equipment, installation, and service charges

§ 113.01 REGULATION OF BASIC SERVICE TIER RATES AND RELATED EQUIPMENT, INSTALLATION, AND SERVICE CHARGES.

(A) The town will follow the FCC rate regulations in its regulation of the basic service rates and charges of the company and any other cable television system operating in the town, notwithstanding any different or inconsistent provisions in the franchise agreements.

(B) In connection with such regulation, the town will ensure a reasonable opportunity for consideration of the views of interested parties.

(C) The Town Manager, or his or her designee, is authorized to execute on behalf of the town and file with the FCC such forms or instruments as are now or may hereafter be required by the FCC rate regulations in order to enable the town to regulate basic service rates and charges.

(Ord. passed 12-6-93)

