

Issue Analysis Form



Date: September 22, 2020
Item: Ordinance to Implement an Application Process and Regulations for Peddling and Soliciting in the County
Lead Department(s): County Attorney
Contact Person(s): Dan Whitten

Description and Current Status

The Police Department requested an Ordinance that would set an application process and regulations for peddling and soliciting in the County.

A Solicitor is defined as any person who goes from door to door selling goods, wares, merchandise or services, or accepting or requesting donations. Such Solicitor will be required to register with the police department, fill out an application for a permit and pay an application fee. The Solicitor shall follow provisions of this article or face penalties. Exceptions to the application requirements include but are not limited to nonprofit religious, civic or charitable organizations who are registered with the police department, those selling fresh farm products, those canvassing for or on behalf of political candidates or referenda, and those twelve years of age or under.

A draft ordinance is attached for consideration; a motion approving authority to advertise the ordinance for a public hearing on October 27, 2020, is requested.

This Ordinance shall be effective upon adoption.

Sample Motion: I move that the Board approve advertisement of an Ordinance implementing an application process and regulations for peddling and soliciting in the County.

Government Path

- | | | |
|---|---|--|
| Does this require IDA action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does this require BZA action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does This require Planning Commission Action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does this require Board of Supervisors action? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does this require a public hearing? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If so, before what date? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Fiscal Impact Statement

County Impact

Notes

Board of Supervisors
County of Prince George, Virginia

Resolution

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia, this 22nd day of September, 2020:

Present:

Donald Hunter, Chairman
Alan R. Carmichael, Vice-Chair
Floyd M. Brown, Jr.
Marlene J. Waymack
T. J. Webb

Vote:

A-9

On motion of _____, seconded by _____, which carried unanimously, the following Resolution was adopted:

RESOLUTION; AUTHORITY TO ADVERTISE AN ORDINANCE TO AMEND “THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA,” AS AMENDED, BY ENACTING §§ 14-49 – 14-56 TO IMPLEMENT AN APPLICATION PROCESS AND REGULATIONS FOR PEDDLING AND SOLICITING IN THE COUNTY

NOW, THEREFORE, BE IT RESOLVED, that the Board Of Supervisors of the County of Prince George this 22nd day of September, 2020, does hereby authorize the advertisement of a public hearing for an Ordinance to Amend “The Code of the County of Prince George, Virginia,” as amended, by enacting §§ 14-49 – 14-56 to Implement an Application Process and Regulations for Peddling and Soliciting in the County.

A Copy Teste:

Percy C. Ashcraft
County Administrator

ORDINANCE TO AMEND "THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA", 2005, AS AMENDED, BY ENACTING §§ 14-49 – 14-56 TO IMPLEMENT AN APPLICATION PROCESS AND REGULATIONS FOR PEDDLING AND SOLICITING IN THE COUNTY

BE IT ORDAINED by the Board of Supervisors of Prince George County:

(1) *That The Code of the County of Prince George, Virginia, 2005, as amended, is amended by enacting §§ 14-49 – 14-56, as follows:*

CHAPTER 14 BUSINESSES

ARTICLE III. – PEDDLING AND SOLICITING

§ 14-49. Definitions.

As used in this article, the following terms shall have the meanings indicated:

SOLICITOR -- A person who goes from door to door visiting residential dwellings for the following purposes:

A. To sell any goods, wares, merchandise or services or accept subscriptions or orders therefor.

B. To accept or request donations for any charitable purpose.

§ 14-50. Registration.

All persons, before entering into or upon a residential premises within the county for the purpose of soliciting, shall register with the Police Department and furnish the following information:

A. The name, local and permanent address, age, date of birth, social security number, race, weight, height, color of hair and eyes and any other distinguishing physical characteristics of the applicant.

B. The nature or purpose for which solicitations will be made and the nature of the goods, wares and merchandise offered for sale.

C. The name and permanent address of the employer or organization represented.

D. A statement as to whether the applicant has been convicted of any felony or misdemeanor and if so, the nature of the offense, when and where convicted and the penalty for punishment assessed therefor.

- E. A photograph of the applicant and fingerprints of the applicant.
- F. The make, model and license number of any vehicle to be used.
- G. The specific area or areas of the county where the solicitor will be working.
- H. Written authorization and any other information needed to conduct a background investigation of the applicant, including a criminal records check, and to investigate whether the information provided by the applicant is true.
- I. Written declaration, dated and signed by the applicant, certifying that the information contained in the application is true and correct.
- J. A statement of any similar permits issued to the applicant in any jurisdiction with a description of the status of those permits and a statement as to whether a permit held by the applicant has ever been suspended or revoked, or the applicant has ever been denied a permit in any jurisdiction.
- K. For Solicitors involved in security systems work or sales, additional documentation must be obtained from the Department of Criminal Justice Services and submitted with the application.

§ 14-51. Issuance, term and display of permit.

- A. Upon furnishing the information required under § 14-50, the applicant shall be issued a permit, unless the information furnished in compliance with this article shows that the applicant has been convicted of a felony or a crime of moral turpitude or had a prior permit suspended or revoked.
- B. A permit issued under this article shall be good for one year from the date of issuance, unless earlier revoked as provided in this article.
- C. Every solicitor shall carry his permit with him at all times while engaged in soliciting and shall display the same to any person who shall demand to see the same while he is so engaged.

§ 14-52. Application fee.

A fee of \$20.00 and the additional costs charged by the Virginia State Police to conduct the background investigation shall be paid to the Police Department when the application is filed and shall not be returnable under any circumstances.

§ 14-53. Prohibitions.

No person shall:

- A. Act as a solicitor in the county without obtaining a permit as provided for in this article.**
- B. Enter into or upon a residential premises in the county under false pretenses to solicit for any purpose or for the purpose of soliciting orders for the sale of goods, wares, merchandise or services.**
- C. Remain in or on any residential premises after the owner or occupant has requested any such person to leave.**
- D. Enter upon any residential premises for soliciting when the owner or occupant has displayed a "No Soliciting" sign or "No Trespassing" sign on such premises.**
- E. Knowingly give false information or fail to give correct information in obtaining a permit.**
- F. Engage in solicitation at any time prior to 9:00 a.m. or after sunset, of any day.**
- G. Engage in solicitation on Sundays.**
- H. Enter upon any residential premises while not wearing a mask if the Virginia Department Health has a recommendation in place to wear masks while engaging with other members of the public.**
- I. Fail to provide a written order or invoice, in duplicate, which:**
 - (1) Shows the name and address of the firm represented by the solicitor;**
 - (2) Is signed by the solicitor; and**
 - (3) Is signed by the purchaser and states the terms and conditions of the sale. A copy of the order or invoice shall be given to the purchaser.**

§ 14-54. Exceptions.

The provisions of this article shall not apply to:

- A. **Any person who visits any residence or apartment at the request or invitation of the owner or occupant thereof.**
- B. **Unpaid members of any nonprofit religious, civic or charitable organization who are registered as such with the Police Department and the names of the solicitors have been listed as such members and the organization has provided each person listed with an approved means of identification with the organization represented.**
- C. **Newsboys soliciting subscriptions to any newspaper for home delivery within the county.**
- D. **Route deliverymen who make deliveries at least once a week to regular customers and whose solicitation is only incidental to their regular deliveries.**
- E. **Persons selling fresh farm products.**
- F. **Persons licensed under the provisions of state law governing insurance sales.**
- G. **Persons engaged in canvassing for or on behalf of political candidates, or referenda.**
- H. **Persons twelve (12) years of age or under.**
- I. **Persons collecting or attempting to collect a payment due from a purchaser if the collector and original seller are not the same.**

§ 14-55. Violations and penalties.

Any person who shall violate any provision of this article shall, upon conviction, be guilty of a class 2 misdemeanor.

§ 14-56. Revocation of permit.

- A. **Any permit issued pursuant to this article may be revoked by the Police Department for:**
 - (1) **Any fraud, misrepresentation or false statement contained in the application;**
 - (2) **Any failure to observe the conditions of the permit;**

(3) Violation of this article or any felony or a misdemeanor involving moral turpitude after the permit was issued.

B. If the Police Chief revokes a permit, he shall notify the permittee in writing of the revocation, the reasons for the revocation, and the permittee's right to request a hearing. To receive a hearing, the permittee must make a written hearing request which must be received by the Police Chief within ten (10) days of the notice of revocation. If a hearing request is not received within ten (10) days of the revocation notice, the Police Chief's decision shall be final. If a hearing is properly requested, it shall be held within fifteen (15) days from receipt of the hearing request. The hearing shall be presided over by the Police Chief or his designee. The permittee shall have the right to present evidence and argument or to have counsel do so. Within a reasonable time after the hearing, the Police Chief shall render his decision which shall be final. The permittee must discontinue operation of its business when the decision to revoke its permit is final.

(C) When protection of public health, safety or welfare requires such action, the Police Chief may direct immediate revocation of a solicitor's permit by giving written notice to the permittee. When action is taken pursuant to this paragraph, the permittee shall immediately discontinue those activities authorized by the permit and this article, but the permittee shall have the right to a hearing as described above.

2) *That the Ordinance shall be effective upon adoption.*