

715.27 HAWKER, SOLICITOR, PEDDLER OR TRANSIENT MERCHANT LICENSE.

(a) Definitions: A "hawker", "peddler", "solicitor" or "transient merchant" means for purposes of this article, any person (whether as an individual on his own behalf, or each and any individual as the agent, workman or employee of any individual, corporation, partnership or other entity), who offers for sale and/or sells any merchandise, insurance, magazine, book or record subscriptions, contracts or services, to any person, corporation, partnership or other entity as a consumer within the City corporate boundaries and who sells or offers to sell such things, contracts or services by peddling same from:

- (1) Door to door,
- (2) A motorized or towed type vehicle,
- (3) Or without vehicle,
- (4) Any temporary site anywhere within the corporation boundaries,

if such activities do not fall within the exemptions set forth hereinbelow under the heading: "Exemptions."

(b) Exemptions: "Hawker", "solicitor", "peddler" or "transient merchant" shall not include the following:

- (1) Commercial travelers or selling agents who sell only to entities who purchase tangible personal property for purpose of resale to others;
- (2) Sellers of crafts or other handmade items that were personally made by the seller.
- (3) "Flea market" means any person selling used goods, wares or merchandise, not purchased by him or her for resale, on any day designated for flea markets by Council, from a lawfully occupied temporary location, between the hours of 7:00 a.m. and 5:00 p.m.
- (4) "Yard sale" means any person selling used goods, wares or merchandise, not purchased by him or her for resale, from his own residential premises, including house, garage, porch, yard or outdoor premises, provided such sale must not exceed three consecutive days' duration, nor may any person hold more than four such sales per calendar year. A sale of one day's duration or any fractional part thereof, not consecutive with another day shall constitute a single sale.
- (5) "Nonprofit" means any sales by nonprofit corporations, societies, groups or organizations acting for charitable, religious or benevolent purposes.
- (6) "Farmers market" means any person selling agricultural products grown or produced in Jackson County or adjacent State counties from a parked motor vehicle or temporary stand on the days, at the times and location specified for "farmers market" by Council.

(c) Application for License: A hawker, solicitor, peddler or transient merchant shall, prior to transacting any business within the corporation boundaries, appear at City Hall, apply for and obtain a license, entitled "solicitor's license." By written application, such person shall state his or her full name; address; telephone number; driver's license number; motor vehicle make, model, color and license number; social security number; and if applicable, the applicant's State transient vendor business registration certificate number and date thereof such certificate being required by West Virginia Code 11-12-20; the nature of the goods, services, contracts, etc. to be sold or offered for sale; and any other reasonable and pertinent license.

(d) Fee: The fee for a solicitor's license shall be ten dollars (\$10.00) subject to the terms of this article.

(e) License Term: See Section 715.06 .

(f) Compliance With Other Laws: Nothing contained within this section shall in any way exempt any applicant from compliance with all State, federal, county and municipal statutes, ordinances and regulations, including but not limited to West Virginia Code 11-12-20 et seq., and law relating to taxation, public health, consumer protection, licensing, etc.

(g) Hours When Solicitation Permitted: Hawkers, peddlers, solicitors or transient merchants shall conduct their business only between the hours of 10:00 a.m. and 5:00 p.m.

(h) License to be Carried and Displayed: A licensee shall carry his current valid license upon his person and shall display such license to any consumer, law officer or City official if requested to do so.

(1960 Code 4-128)