

**Sec. 30-1. – Solicitation of residents and commercial businesses**

(a) *As a means to preserve safety and well-being of town residents, the town hereby establishes the following regulations for commercial solicitation at residences and businesses:*

- 1) *Commercial solicitors may only visit properties between the hours of 9:00 a.m. and 7:00 p.m.*
- 2) *No commercial solicitor shall enter in or upon any house, building, or private property of any type without the prior express consent of the owner or occupant thereof, where there is placed or posted on the premises in a conspicuous location at or near the usual means of ingress a sign or other form of notice stating or indicating that the owner or occupant thereof forbids or otherwise does not desire persons in solicitation or selling to enter upon the premises.*

(b) *The regulations described in subsection (a) shall not apply to:*

- 1) *The sale or offering for sale of newspapers.*
- 2) *The sale or offering for sale of fresh farm products.*

(c) *Any person willfully failing to observe these restrictions under this article shall, upon conviction thereof, be guilty of a Class 3 misdemeanor.*

Sec. 30-38. - Application; statements and other proof as to gross receipts, purchases, etc.

(a) Every person desiring to obtain a license to prosecute any business, trade, profession or occupation, or to do anything for which a license is required under this chapter, shall make application therefor to the town treasurer, in which application shall be stated the residence of the applicant, the nature of the business, trade, profession, occupation or thing to be done and the place where it is proposed to be conducted.

(b) Where the license tax imposed by this chapter is measured by gross receipts, gross value, sales or purchases, the town treasurer or license inspector may require of the applicant for a license a statement, under oath, as to the amount of his gross receipts, gross value, sales or purchases, and, if the town treasurer or license inspector deems it advisable or necessary, he may demand of such person such other proof of the amount of his gross receipts, gross value, sales or purchases as may enable him to satisfactorily determine the same. The town treasurer may decline to issue the license until such proof has been furnished.

(c) *No business license shall be issued until the applicant has produced evidence satisfactory to the town treasurer that all delinquent business license, real estate, personal property, meals, and lodging taxes owed by the business to the town have been paid in full.*

(d) It shall be unlawful for any person to make a false or misleading statement or give false testimony for the purpose of obtaining a license under this chapter. Any license issued because of any such statement or testimony shall be revoked and no part of the license tax collected shall be refunded.

(Code 1981, § 11-8; Ord. of 5-9-1983)

Sec. 30-71. – Business, professional and occupational licenses.

(h) (1) h. For itinerant merchants, ~~or~~ peddlers, **and commercial solicitors**, \$500.00 per year, **unless otherwise provided for in Sec 30-96 for itinerant merchants, Sec 30-97 for peddlers, or Sec 30-102 for commercial solicitors;**

Sec. 30-96. - Itinerant ~~vendors~~ **merchants** generally; tax rate.

**An itinerant merchant is any person who engages in, does, or transacts any temporary or transient business within the town who, for the purpose of carrying on such business, occupies any location for a period of less than one year.**

(a) **License display.** A license certificate must be prominently displayed by an itinerant ~~vendor~~ **merchant**.

(b) **License tax rates enumerated. License tax rates shall be as follows:**

(1) Itinerant ~~vendors~~ **merchants** of family supplies of a perishable nature (*produce, fruits, meats, seafood, perishable food, ice cream, sandwiches, beverages, vegetables, flowers, plants, ice, etc.*) or which are used for heating purposes (~~produce, fruits, meats, seafood, perishable food, ice cream, sandwiches, beverages, vegetables, flowers, plants, ice, wood, coal, etc.~~): ~~\$250.00~~ **\$100.00** per month ~~or fraction thereof~~ **subject to a ceiling of \$500.00 per year.**

(2) Itinerant ~~vendors~~ **merchants** of general merchandise **other than that described in subsection (1):** (~~not household supplies of a perishable nature or supplies used for heating purposes as previously described~~): **\$500.00 per year.**

(3) ~~In no event shall the tax rates specified in subsections (b)(1) and (b)(2) of this section exceed cumulatively \$500.00 per year.~~

~~(c) License fee. An Itinerant vendor merchants wishing to conduct~~ **conducting** business at a festival, parade or other special event: ~~in the town shall purchase a license for \$25.00 per day.~~

~~(d)(c)~~ **Exemptions. No license tax shall be due from: Application of section provisions.**

(1) This section shall not apply to ~~a~~**Any** person who holds not more than two garage or yard sales within any 12 month period, provided that such sale shall be held upon residential property and shall offer for sale only used household or personal goods owned by the seller or his immediate family **conducting a garage or yard sale in accordance with Chapter 66, Article II of the Town Code provided the sale is held upon residential property and offers for sale only household or personal goods owned by the seller or immediate family.**

(2) **A nonprofit organization described in Internal Revenue Code § 501(c)(3) or 501(c)(19).**

(3) **The sale of newspapers.**

(4) **Vendors participating in a special event sponsored by the town.**

(d) **Location. Itinerant merchants shall not utilize any location in a manner that creates a zoning violation by the host property.**

(Code 1981, § 11-87; Ord. of 10-10-2000, § VII)

Sec. 30-97. - Peddlers generally; tax rate.

**A peddler shall be one who moves from place to place with the town and offers merchandise, goods, food, or services for sale or barter at no definite place of business.**

(a) ~~Exemptions; license display.~~ This section shall not apply to a peddler at wholesale or those who sell or offer for sale in person, or by their employees, ~~ice, wood, charcoal, meats, milk, butter, eggs, poultry, game, vegetables, fruits or other family supplies of a perishable nature or farm products grown or produced by them and not purchased by them for sale. This section shall not apply to those who sell to dealers or retailers only, a licensed wholesale dealer who sells and, at the time of such sale, delivers merchandise to retail merchants, a distributor or vendor of motor fuels and petroleum products, a farmer or farmers' cooperative association, and a manufacturer who is subject to state tax on intangible personal property who peddles at wholesale only the goods, ware or merchandise manufactured by him at a plant, whose intangible personal property is taxed by the commonwealth. License certificates must be prominently displayed by peddlers.~~

~~(b) Tax rates enumerated.~~ License tax rates shall be as follows:

(1) Peddlers of general merchandise and goods ~~not specifically exempted:~~ ~~\$30.00~~ **\$250.00** per year ~~or fraction thereof~~, per person or vehicle.

(2) Peddlers who purchase for resale family supplies of a perishable nature (*produce, fruits, seafood, perishable food, ice cream, meat, sandwiches, beverages, vegetables, flowers, plants, ice, etc.*) or which are used for heating purposes (~~produce, fruits, seafood, perishable food, ice cream,~~

meat, sandwiches, beverages, vegetables, flowers, plants, ice, wood, coal, etc.): \$30.00 per year or fraction thereof, per person or vehicle.

**(b) Exemptions. No license tax shall be due from:**

- 1) *A peddler at wholesale or those who sell or offer for sale in person, or by their employees, ice wood, charcoal, meats, milk, butter, eggs, poultry, game, vegetables, fruits, or other family supplies or a perishable nature or farm products grown or produced by them and not purchased by them for sale.*
- 2) *A licensed wholesale dealer who sells and, at the time of such sale, delivers merchandise to retail merchants.*
- 3) *A distributor or vendor of motor fuels and petroleum products*
- 4) *A distributor of seafood who catches seafood and sells only the seafood caught by him.*
- 5) *A farmer or producer of agricultural products who sells only the farm or agricultural products produced or grown by him.*
- 6) *A farmer's cooperative association.*
- 7) *A manufacturer who is subject to state tax on intangible personal property who peddles at wholesale only the goods, ware, or merchandise manufactured by him at a plant, whose intangible personal property is taxed by the Commonwealth.*

~~(c) Direct sales exempted; exception. Notwithstanding any other provision of this section, no license tax shall be imposed on a direct seller, unless the total sales of such seller exceeds \$4,000.00 per year. The rate of tax on a direct seller who resides in the town and whose total sales exceed \$4,000.00 per year, shall be \$0.20 per \$100.00 of retail sales, or \$0.05 per \$100.00 of total annual wholesale sales, whichever is applicable.~~

(Code 1981, § 11-88; Code 1981, §§ 11-70, 11-88; Ord. of 10-10-2000, § VIII)

**Sec. 30-102. – Commercial solicitor; tax rate.**

*A commercial solicitor is any person who goes from property to property within the town for the purpose of taking orders or offering to take orders for the sale of goods, wares, or merchandise or taking orders for services to be performed in the future.*

**(a) License tax rates enumerated:**

- 1) *For commercial solicitors who i) maintain a place of abode within town limits; ii) are direct sellers as defined by Virginia Code § 58.1-3719.1.B; and iii) whose total sales exceed \$4,000.00 per year: \$0.20 per \$100.00 of retail sales, or \$0.05 per \$100.00 of total annual wholesale sales, whichever is applicable. No license tax shall be due from direct sellers with total sales of less than \$4,000 per year.*
- 2) *For all other commercial solicitors: \$500.00 per year.*

**(b) Exemptions. No license tax shall be due for activities:**

- 1) *By or on behalf of a nonprofit civic, charitable, government, or educational organization.*
- 2) *By a vendor at a special event sponsored by the town.*