

Code Language for Peddlers' Licenses

This language and section is from the Richland County Code of Ordinances.

CHAPTER 16: LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE III. SOLICITORS, PEDDLERS AND HAWKERS

Editor's note--Ord. No. 1701-87, § 3, effective Dec. 15, 1987, repealed Art. II, §§ 16-11--16-16, concerning peddlers, hawkers, and transient merchants, which derived from Ord. No. 804-81, effective April 15, 1981.

Editor's note--Ord. No. 031-02HR, § III, effective July 9, 2002, repealed former Art. III, §§ 16-28--16-33, concerning solicitors, which derived from the 1976 Code, §§ 11-5001--11-5005; Ord. No. 341-76, effective Sept. 15, 1976; and Ord. No. 788-81, effective April 1, 1981.

Sec. 16-28. Definitions.

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

Charitable organization means a person:

- (1) Determined by the Internal Revenue Service to be a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code; or
- (2) That is or holds itself out to be established for any benevolent, social welfare, scientific, educational, environmental, 2003 S-8 303§ 16-28 Richland County Code philanthropic, humane, patriotic, public health, civic, or other eleemosynary purpose, or for the benefit of law enforcement personnel, firefighters, or other persons who protect the public safety; or
- (3) That employs a charitable appeal as the basis of solicitation or an appeal that suggests that there is a charitable purpose to a solicitation, or that solicits or obtains contributions solicited from the public for a charitable purpose.

Charitable purpose means a purpose described in Section 501(c)(3) of the Internal Revenue Code or a benevolent, social welfare, scientific, educational, environmental, philanthropic, humane, patriotic, public health, civic, or other eleemosynary objective, including an objective of an organization of law enforcement personnel, firefighters, or other persons who protect the public safety if a stated purpose of the solicitations includes a benefit to a person outside the actual service membership of the organization.

Hawk or peddle means to offer goods for sale from door-to-door, or on the streets by outcry, or by attracting the attention of persons by exposing goods in a public place, or by placards, labels, or signals.

Panhandle or panhandling means to go door-to-door or on the streets asking for monetary contributions for the personal benefit of the individual asking.

Person means an individual, an organization, a trust, a foundation, a group, an association, a partnership, a corporation, a society, or a combination of them.

Solicit and solicitation means to request and the request for money, credit, property, financial assistance, or other thing of value, or a portion of it, to be used for a charitable purpose or to benefit a charitable organization. A solicitation takes place whether or not the person making the request receives a contribution.

(Ord 031-02HR, § I, 7-9-02)

Sec. 16-29. Administration.

No person shall solicit, or hawk or peddle, anywhere in the unincorporated areas of the county unless they have met the requirements of this article.

(Ord 031-02HR, § I, 7-9-02)

Sec. 16-30. Peddler's license required for non-charitable purposes.

- (a) *License required.* Any person desiring to hawk or peddle goods, wares, and/or merchandise for non-charitable purposes, anywhere in the unincorporated area of the county, shall first acquire the state hawkers and peddlers license; and meet all regulations pursuant to the provisions of S.C. Code §§ 40-41-10, et seq., as amended; and shall also meet all local and state laws and regulations.
- (b) *Application for license.* An applicant for a hawkers and peddlers license shall be required to furnish information concerning his/her business, including, but not limited to the following: gross receipts, as reflected on federal tax returns, for the previous calendar year; type of merchandise sold; address of considered place of business; and companies, firms, or corporations with which the applicant is affiliated or for which s/he is a representative. Falsification of any information on a permit application shall be grounds for the revocation of any permit issued.
- (c) *Fees.* The fee for a hawkers and peddlers license shall be based upon the dollar value of gross receipts during the previous calendar year, as reflected on federal tax returns.
 - (1) The amount of fees payable annually shall be as follows:
 - a. On gross receipts not exceeding five thousand dollars (\$5,000), thirty-six dollars (\$36).
 - b. On each additional one thousand dollars (\$1,000), five dollars (\$5), or fraction thereof.
 - (2) For any applicant who has not been engaged in hawking or peddling during the entirety of the previous calendar year, the license fee shall be based on the average of monthly receipts while so engaged, times twelve (12).
 - (3) For any applicant who has not been engaged in hawking or peddling during any portion of the previous calendar year, the license fee shall be thirty-six dollars (\$36).

(Ord 031-02HR, § I, 7-9-02)

Sec. 16-31. Solicitation of charitable funds.

Any charitable organization desiring to solicit contributions within the unincorporated area of the county shall comply with the requirements of S.C. Code §§ 33-56-10, et seq., as amended.

(Ord 031-02HR, § I, 7-9-02)

Sec. 16-32. Permit required prior to soliciting funds from motorists.

- (a) Only rescue squads, volunteer fire departments, and charitable organizations in this State may solicit funds from motorists on highways and streets located within the unincorporated area of the county.
- (b) Prior to soliciting such funds, the organization shall apply for and acquire a permit from the County Council. All provisions of Section 5-27-910 of the S.C. Code of Laws, as amended, shall be followed.
- (c) The organization shall complete the permit application form, including the specific date(s), time(s), and location(s) of the desired solicitation.
- (d) No more than two (2) permits shall be issued to an organization in any one calendar year, and each permit shall be valid for no longer than seven (7) consecutive days.
(Ord 031-02HR, § I, 7-9-02; Ord 014-04HR, § I, 4-6-04)

Sec. 16-33. Panhandling prohibited.

No person shall engage in panhandling activities in the unincorporated areas of the county.

(Ord 031-02HR, § I, 7-9-02)

Sec. 16-34. Solicitation and/or peddling goods on county property.

In addition to the requirements of this article, any person who wishes to solicit funds and/or peddle goods in county-owned buildings or on county-owned property, shall comply with the following:

- (a) County employees shall first obtain approval from their department directors.
- (b) All other persons shall first obtain approval from the county administrator or the county administrator's designee.
(Ord 031-02HR, § I, 7-9-02)

Secs. 16-35--16-40. Reserved.