

Title IX – General Regulations
Chapter 97: Peddlers-Itinerant Merchants

Section

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§ 97.01 Purpose

Pursuant to the authority granted by G.S. § 160A-178 , this chapter is enacted to regulate the business activities of itinerant merchants and peddlers within the Town of West Jefferson.

§ 97.02 Definitions.

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

Peddler - A person who travels from place to place with an inventory of goods, who sells the goods at retail or offers the goods for sale at retail, and who delivers the identical goods.

Itinerant merchant - A person, other than a merchant with an established retail store in the Town, who transports an inventory of goods to a building, vacant lot, or other location in a Town and who, at that location, offers the goods for sale.

Sidewalk- All that area legally open to public use as a pedestrian public way between the curb line and the legal building line of the abutting property.

§ 97.03 Selling on Streets or Sidewalks Prohibited

It shall be unlawful to display or offer for sale any goods, merchandise or any other tangible items on any street, sidewalk, Town-owned parking spaces, or public right-of-ways within the Town. Goods, wares and merchandise shall include but not be limited to fruits, vegetables, farm products, dairy products, fish, game, poultry, meat, plants, flowers, appliances, wearing apparel, jewelry, art work, cosmetics and beauty aids, health products, medicines, household products or furnishings, and food, confections or drinks of any kind, whether or not for immediate consumption.

§ 97.04 Exceptions.

A. Farmers Market. The provisions of § 97.03 shall not apply to farmers or vendors at any Farmers Market sanctioned by the Town. All merchants must operate

out of a building or shall be associated with the Ashe County Farmers Market by paying membership fee to the Farmers Market.

B. Special Events. The Board Town may designate an organization to conduct a special event during which certain streets designated in said authorization may be closed and certain public areas, parks and sidewalks in said authorization may be utilized for the special event.

(i) The designated organization shall be responsible for the administration and control of the event and only those participants specifically authorized by the designated organization shall be entitled to participate in the special event.

(ii) No sale of goods or merchandise shall be permitted within the area designated for the special event except as authorized by the designated organization and subject to reasonable controls adopted by said organization or the Town.

(iii) Any vendor at any special event who sells food or food products subject to the regulation of the Ashe County Health Department shall comply with any and all applicable regulations of the Ashe County Health Department.

(iv) Special community events shall be designated by the Board of Aldermen by resolution and the resolution shall include the following information:

- (1) Dates, times and the location for the special event.
- (2) Designation of an organization administering and controlling the event, if applicable.
- (3) Activities that will be authorized on the public streets areas, and rights of way.

C. Existing Businesses. Nothing herein shall in any way prohibit or restrict any legally operated business located within the Town from operating its business on its property in its customary fashion, provided such business does not interfere with any sidewalk, street or other public right of way.

§ 97.05 Penalty.

Any person violating any provision of this chapter shall be subject to the penalties set forth in § 10.99.

(Ord. passed 4-4-2016)