



REGULAR MEETING OF THE VILLAGE OF CLEMMONS COUNCIL September 25, 2023

The Village of Clemmons Council met on Monday, September 25, 2023, at 6 p.m. The meeting was held at the Village Hall, Clemmons, North Carolina. The following members were present: Mayor Rogers, Council Members Barson, Cameron, Combest, Taylor and Wrights. Attorney Al Benschoff was also present.

Call to Order & Pledge of Allegiance

Mayor Rogers called the meeting to order at 6:00 p.m. and Brandon Ruff led the Pledge of Allegiance.

Public Comments

There were five citizens in attendance. There were no individuals that spoke during public comments.

Approval of the Minutes

Council Member Cameron moved to approve the minutes of the September 11, 2023 special and regular meetings as presented. The motion was seconded by Council Member Barson and unanimously approved.

Additions and/or Approval of the Agenda

Manager Gunnell requested the addition of another topic during Closed Session for Discussion of Property Acquisition in Accordance with NCGS 143-318.11(a)(5).

Council Member Cameron moved to approve the agenda as amended. The motion was seconded by Council Member Barson and unanimously approved.

Announcements

- A. Mayor Rogers announced that Brandon Ruff recently completed his Eagle Scout project which was the installation of a new fence around the Community Garden at Village Hall. Planner Caroline Drake introduced Brandon Ruff with a brief presentation of the project (attached hereto as Exhibit A and incorporated as a part of the minutes). Mayor Rogers presented him with a Certificate of Recognition along with a numbered Hattie Butner print.
- B. Sgt. Chatham introduced Capt. John Bracken and Lt. Butch Moore who are now serving the Village of Clemmons. Capt. Bracken advised Council of current staffing shortages that FCSO is experiencing at the jail. They are currently sending one deputy on a 28-day rotation to aid in the jail. He asked Council to consider this over the next month as they may have to come ask for one of the Clemmons deputies to work a rotation. Lt. Moore expressed their focus is that everyone in Clemmons feels safe and secure and they are both happy to be working in the Village.
- C. Mayor Rogers made the following statement regarding Clemmons being awarded funding

from the State: “Clemmons has been award funding from HB 259 Appropriations Act. I have three (3) major points to make:

1. According to the *North Carolina Appropriations Act of 2023*, Clemmons will receive \$4.8 million dollars of state funding to use, for all intents and purposes, as the Village best determines.¹ This funding is programmed to come in two installments of \$2.4 million each. The first \$2.4 million is included in this just passed budget for spending this fiscal year. The second is to be included in the 2024-2025 budget.
2. I want to highlight two very important things about this funding.
 - First, there are no requirements for matching local funds --- none.
 - Second, the funds may be budgeted and used in the manner that Clemmons determines is best. We have a very wide range of options for applying this \$4.8 million.
3. It's appropriate, indeed important, to acknowledge how we acquired this state funding. First, we must acknowledge the hard work that our state representative Jeff Zenger did. His commitment to supporting Clemmons' continuing development and growth is made clear by his determined, successful efforts to get Clemmons funding included in the 2023-24 Appropriations Act to ensure that a decent, fair amount of the taxes that our residents and businesses send to Raleigh will be spent here in the Village. Second, it's appropriate to recognize that securing this funding is a direct result of decisions the Council made a year and a half ago when it unanimously chartered the mayor to, and I quote: *"Serve as a key representative and spokesperson for the village.to routinely engage government and private agencies and officesto be a key representative of the Council to other government agencies and officesto advocate and advance village interests"*.² Securing this \$4.8 million is a clear, big, positive result of the Council empowering elected and staff officials to routinely engage key organizations and persons to advance the Village's agenda.

¹North Carolina General Assembly Joint Conference Committee Report on the Current Operations Appropriations Act of 2023. House Bill 259. Pages C-76 and F-119

² Clemmons, NC Code of Ordinances. Chapter 31. Para 31.01

Business – Action Items

- A. *Greendale Way Culvert Replacement Bid* - Manager Gunnell advised Council this was the second time this project was sent out for bids as there were not enough bidders for the first bid opening. The second bid opening was held September 21, 2023 with quotes received for Greendale Way Culvert Replacement. The bid from Southeast Select Civil Construction, LLC was the lowest bid; however, a request for bid withdrawal was received from them due to miscalculation on their bid. Staff recommends accepting the bid withdrawal, rejecting all bids so the project can be rebid.

Council Member Wrights made a motion to authorize Manager Gunnell to hold a hearing with Southeast Select Civil Construction, LLC for the purported withdrawal of their Greendale Way Culvert Replacement Project bid and reject all bids. The motion was seconded by Council Member Cameron and unanimously approved.

- B. *Zoning Board of Adjustment Resignation* – Planning & Community Development Director Moore advised Council that Carl DavyRomano has submitted his resignation from the board for personal reasons.

Council Member Cameron made a motion to accept the Zoning Board of Adjustment resignation from Carl Davy Romano effective immediately and appoint David Corn to the vacated regular seat. The motion was seconded by Council Member Barson and unanimously approved.

Business – Information/Review Items for Future Action

C. Marketing & Communications Director's Report / Events Update

- [Clemmons Farmers Market](#) is open seasonally on Saturdays from 8:30AM to 11:30AM at the Jerry Long Family YMCA located at 1150 S Peace Haven Road. The first Saturday of each month is Artisan Day at the Market. The Jerry Long Family YMCA is a tobacco, dog, and alcohol-free campus. NO PETS, PLEASE
- Join us on October 4th from 9:30 – 10:30 AM at Chick-fil-A Clemmons for **National Coffee with a Cop Day**. Get your day started with a cup of coffee and conversation with some of Clemmons' finest!
- The Annual Fall Medicine Drop will be held on Saturday, October 14 from 9:30AM – 12:30PM at Clemmons Public Works. Residents can dispose of expired, unwanted, or unused prescription drugs and over-the-counter medications. Only pills will be accepted. Liquids, needles, and inhalants will not be accepted. This is for households ONLY
- The Village of Clemmons would like to invite your business or organization to be a part of the [2023 Monster Dash and Goblin Hop](#) on Sunday, October 22nd. (Rain Date: October 29th) Host a table around the greenway while kids dressed in Halloween Costumes walk the greenway to trick or treat and complete the Goblin Hop! All details can be found at Clemmons.org/monster or email events@clemmons.org

Details are available on the Village website and Facebook page regarding all our events.

D. Manager's Report.

1. Salt Brine Shed Quotes – Public Works Director Gearren provided Council with the quotes received for the modifications to the Public Works facilities (attached hereto as Exhibit C and incorporated as a part of the minutes). The quote from Shelton Construction in the amount of \$80,952.00 for the salt brine shed was recommended.

Council Member Taylor made a motion to accept the bid from Shelton Construction for the Salt Brine Shed in the amount of \$80,952.00 as presented (attached hereto as Exhibit A and incorporated as a part of the minutes). The motion was seconded by Council Member Cameron and unanimously approved.

2. Public Works Building Modifications Quotes.

- a. Leaf Truck Storage Shed (Rear) - The quote from Marvins Garage Door in the amount of \$59,781.00 for the leaf truck storage shed (rear) was recommended.

Council Member Cameron made a motion to accept the bid from Marvins Garage Door for the Leaf Truck Storage Shed (Rear) in the amount of \$59,781.00 as presented (attached hereto as

Exhibit B and incorporated as a part of the minutes). The motion was seconded by Council Member Taylor and unanimously approved.

- b. Vehicle Shed (Front) - The quote from Marvins Garage Door in the amount of \$79,833.00 for the vehicle shed (front) was recommended.

Council Member Barson made a motion to deny the bid from Marvins Garage Door for the Vehicle Shed (Front) in the amount of \$79,833.00 as presented. The motion was seconded by Council Member Wrights and unanimously approved.

Council Member Taylor would like to hear alternative solutions as to what can be done to protect the vehicle shed and equipment stored inside.

Council Member Cameron made a motion to authorize a Budget Amendment (attached hereto as Exhibit C and incorporated as a part of the minutes) for the approved modifications to the Public Works facilities (Salt Brine Shed and Leaf Truck Storage Shed – Rear). The motion was seconded by Council Member Taylor and unanimously approved.

D. Council Comments – there were none.

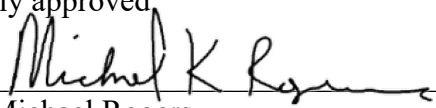
E. Closed Session for Attorney-Client Privilege Discussion in Accordance with NCGS 143-318.11(a)(3) and Discussion of Property Acquisition in Accordance with NCGS 143-318.11(a)(5) - Council Member Taylor made a motion to enter Closed Session for Attorney-Client Privilege Discussion in Accordance with NCGS 143-318.11(a)(3) and Discussion of Property Acquisition in Accordance with NCGS 143-318.11(a)(5) at 6:48 p.m. The motion was seconded by Council Member Barson and unanimously approved.

At 7:45 p.m., Mayor Rogers stated that by unanimous vote Council chose to reconvene the open session with no action taken.

Council Member Barson made a motion to approve Ordinance 2023-07 Amending Chapter 111 Door-to-Door Solicitors, Itinerant Merchants and Vendors of the Clemmons Code of Ordinances as presented (attached hereto as Exhibit D and incorporated as a part of the minutes). The motion was seconded by Council Member Cameron and unanimously approved.

Adjournment

Council Member Taylor moved to adjourn the meeting at 7:46 p.m. The motion was seconded by Council Member Cameron and unanimously approved



Michael Rogers
Mayor

ATTEST:



Lisa Shortt, NCCMC
Village Clerk



Marvin's Garage Doors
 3424 Smitherman Rd
 East Bend, NC 27018
 3366998468



To: VILLAGE OF CLEMMONS
 3715 DILLON INDUSTRIAL DR
 CLEMMONS, NC, 27012
 336-391-3254
 SGEARREN@CLEMMONS.ORG

Project:
 VILLAGE OF CLEMMONS REAR BUILDING
 BAY CLOSE IN RENOVATION
 CLEMMONS, NC

Attn: STEVE

Ship To			
Site ID: 5917	Location: EAST BEND	Address1:	3424 SMITHERMAN ROAD
Address2:	Address3:	Address4:	
City: EAST BEND	State: NC	Postal Code:	27018-8162
County: YADKIN	Country: US		

Quoted by: Marvins Company Inc
 Email: allen.marvinsgaragedoors@gmail.com
 Creation Date: 08/10/2023
 Quote#: 154624
 Quote Name: Base Quote 154624

Proposal

Door Line	Description	Quantity	Unit Price	Total
1.1	Energy Series - 3200 Size:14' 2" x 14' 0" WindCode:W0 Jamb type:Steel Design:Stucco Embossed with Micro Groove Construction:2", R-Value 9.1, 24 Ga Steel Color:Standard White Glazing Option:Solid Glass Type:Not applicable with solid top section. Spring:Torsion (Std) 10,000 Cycles Track Size:2" Reverse Angle Lift Type:Straight Incline Mount Type:Reverse Angle High Lift:24 Track Type:High Lift Lock:Inside Slide Lock Lock Options: No Lock Hole (Std on no lock and inside slide lock optional on #3C) Shafts:1" Ext Solid Shaft - Left Side ISLO	2		
1.2	H 50 1 L5L- 1/2 HP, 1 Phase, 115/230 Voltage Industrial-Duty Hoist Operator LH	2		
2.1	WE SHALL FURNISH AND INSTALL STRUCTURAL RED IRON	1		
3.1	WE SHALL INSTALL R-11 INSULATION WITH VINYL BACKING	1		
4.1	WE SHALL INSTALL 1 3070 HOLLOW METAL DOOR AND FRAME, LEVER HANDLE, CLOSER, THRESHOLD AND SWEEP	1		
5.1	WE SHALL INSTALL WALL R PANEL ****WE WILL USE R PANEL DESIGN THAT MATCHES THE FRONT BUILDING AND TIE TOGETHER WITH TRIM AT JOINING TO EXISTING BUILDING.	1		
6.1	WE SHALL PROVIDE POWER TO THE TWO GARAGE DOOR OPERATORS, INSTALL EMERGENCY LIGHTING AT ENTRY DOOR AND MOVE RECEPTACLE AS NEEDED. ELECTRICAL WORK TO BE PROVIDED BY DAVIE ELECTRIC	1		
7.1	NOTE: THIS QUOTE INCLUDES CLOSING IN THE ONE ADDITIONAL BAY WITH SECTIONAL DOOR AT FRONT AND REAR OF BUILDING AND ONE PERSONEL ENTRY DOOR.	1		

8.1	NOTE: PRICE INCLUDES MATERIAL, LABOR & SALES TAX	1		
Total Amount:				\$59781.00

Terms & Conditions:

*****QUOTES VALID SAME DAY – THIS IS DUE TO MATERIAL SHORTAGES AND PRICE INCREASES. *****

NOT RESPONSIBLE FOR WATER ISSUES THAT INVOLVES WATER LEAKING UNDER DOORS

NET 10 TERMS UNLESS OTHER PRIOR ARRANGEMENTS HAVE BEEN MADE WITH MANAGEMENT

ALL ORDERS FINAL UPON ORDERING

ANY ORDER NOT INSTALLED OR DELIVERED WITHIN 60 DAYS OF OUR RECEIPT OF THE PRODUCT MARVIN'S GARAGE DOORS IS NOT RESPONSIBLE FOR PRODUCT DAMAGES.

50% DEPOSIT WITH 50% BALANCE DUE UPON COMPLETION ON ALL DOOR ORDERS

Attachments:

Brochure
3200/1...

YOU ARE RESPONSIBLE FOR REVIEWING THE ACCURACY OF THIS ORDER ACKNOWLEDGEMENT. ALL ORDERS ARE SUBJECT TO CREDIT TERMS AND CONDITIONS AND NON-CANCELLABLE AND NON-CHARGABLE AFTER 48 HOURS. ADDITIONAL "POLICIES, TERMS AND PROCEDURES" APPLICABLE TO THIS ORDER ARE LOCATED AT POLICIES.CLOPAY.COM.

VILLAGE OF CLEMMONS
BUDGET AMENDMENT
FOR THE FISCAL YEAR ENDING JUNE 30, 2024

BE IT ORDAINED by the Village Council of the Village of Clemmons, North Carolina at a regular meeting on September 25th, 2023 that the Capital Outlay Appropriations be amended as follows.


	Original	Increase	Decrease	Amended
Expenditures				
10-8110-4500 Capital Outlay Public Works	\$ 182,000	\$ 140,733	\$ -	\$ 322,733
10-8100-4503 Capital Acquisition	\$ 2,000,000	\$ -	\$ (140,733)	\$ 1,859,267
Total Expenditures		<u>\$ 140,733</u>	<u>\$ (140,733)</u>	\$ 2,182,000
For Information Total Budget				
Total Revenues	\$ 13,252,280	\$ 140,733	\$ (140,733)	\$ 13,252,280
Total Expenditures	<u>\$ 13,252,280</u>	<u>\$ 140,733</u>	<u>\$ (140,733)</u>	<u>\$ 13,252,280</u>

Attest:

Adopted 25th day of September



Lisa M. Shortt, NCCMC



Michael Rogers, Mayor

Ordinance Number 2023-07

DOOR-TO-DOOR SOLICITORS, ITINERANT MERCHANTS, AND VENDORS

WHEREAS, the Village Council of the Village of Clemmons has enacted regulations related to the door to door selling of goods and services and solicitation of orders to promote the public health, safety, and welfare; and

WHEREAS, the Village Council of the Village of Clemmons has determined existing village ordinances do not adequately regulate door to door sales by peddlers and other temporary sales; and

WHEREAS, Door-to-door and other temporary sales increase traffic congestion, intrude upon residents' privacy, increase crime and affect the quality of life; and

WHEREAS, the General Statutes of the State of North Carolina grant the Village the authority to regulate businesses and trades, to regulate door-to-door solicitors, itinerant merchants and vendors, and to exercise control over the streets and public rights of way; and

WHEREAS, Commercial speech is protected by the U.S. and N.C. Constitutions, the Village Council desires to protect the interests of its residents by regulating temporary and door-to-door sales in a manner that protects the free-speech rights of vendors; and

WHEREAS, the title of Chapter 111 of the Village of Clemmons Code of Ordinances be amended from Peddlers; Itinerant Merchants; Specialty Market Operators to Door-to-Door Solicitors, Itinerant Merchants; and Vendors

NOW, THEREFORE, BE IT ORDAINED by the Village Council of The Village of Clemmons that Chapter 111 of the Village Code of Ordinances is as follows:

CHAPTER 111: DOOR-TO-DOOR SOLICITORS, ITINERANT MERCHANTS, AND VENDORS

Section

111.01 Definitions

111.02 Permit required

111.03 Application; fees

111.04 Permit; issuance and term

111.05 Prohibited conduct

111.06 Denial, suspension, and revocation of permit

111.07 Village shall maintain a list of residences who do not consent to solicitation

111.08 RESERVED

111.09 RESERVED

111.10 Penalty, fines

111.11 Enforcement

§ 111.01 DEFINITIONS.

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

ITINERANT MERCHANT. A merchant, other than a merchant with an established retail store in the village, who travels from place to place to sell goods or who sells an inventory of goods from a building, vacant lot, or other location within the Village. A vendor who sells goods in the town for less than 6 consecutive months is considered an itinerant merchant unless he or she stopped selling goods in the Village because of his or her death or disablement, the insolvency of his or her business, or the destruction of his or her inventory by fire or other catastrophe.

MOBILE FOOD UNIT. Any vehicle other than a pushcart, from which is vended prepared food, drink, or fresh fruit, but shall not include the sale from such vehicle of fresh meat, flowers, fruit, and produce.

DOOR-TO-DOOR SOLICITOR. Any individual, whether a resident of the village or not, traveling either by foot, bicycle, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, in the village, selling or attempting to sell goods, wares, merchandise, and personal property of any nature whatsoever or services for immediate or future delivery.

PUSHCART. Any rubber-wheeled vehicle or portable cart, the design and appearance of which is subject to review and approval by the Village Manager or his/her designee, used for displaying, keeping, or storing any article by a vendor or door-to-door solicitor (other than a motor vehicle, bicycle or trailer) which may be moved without the assistance of a motor and which does not require registration by the state department of motor vehicles, and from which prepared food, fruit, merchandise, drink, and flowers may be sold.

SPECIALTY MARKET. A location, other than a permanent retail store, where space is rented to others for the purpose of selling goods at retail or offering goods for sale at retail.

SPECIALTY MARKET VENDOR. A person, other than a merchant with an established retail store in the county, who transports an inventory of goods to a specialty market and, at that location, displays the goods for sale and sells the goods at retail or offers the goods for sale at retail.

VENDOR. A person who hawks, peddles, sells or offers for sale any prepared food, fresh flowers, produce or any goods or merchandise. Vendor includes Door-to-Door Solicitor, Itinerant Merchant and Mobile Food Unit Owner/Operator.

§ 111.02 PERMIT REQUIRED.

(A) *Generally.* It shall be unlawful to sell, or offer for sale any food, beverage, goods, or merchandise on foot, from any pushcart or mobile food unit on any right-of-way, street, sidewalk, residential area, or public park within the town or from any location operated by an itinerant merchant or door-to-door solicitor within the village without first obtaining a permit therefore, pursuant to the provisions contained in this chapter, from the Village Manager or his/her designee.

(B) *Exemptions.*

1. *Religious, Charitable, or Educational Exception.* This chapter shall not prohibit the sale of merchandise if such sales are conducted by a North Carolina non-profit corporation or by an organization of a USC section 501 (c) letter issued by the Internal Revenue Service. Persons vending under this section shall register with the Village Manager or his/her designee prior to engaging in any activity under this chapter. Persons shall provide a copy of any 501(c) letter to the Village Manager or his/her designee.
2. Those who solicit solely to the village's industrial, commercial, or professional establishments.
3. *Itinerant Merchant Exceptions.*
 - (a) Sellers of farm or nursery products they produced;
 - (b) Sellers of crafts or goods they or their household produced;
 - (c) Nonprofit charitable, educational, religious, scientific, or civic organizations;
 - (d) Itinerant merchant who is a specialty market vendor at a licensed specialty market or at a specialty market operated by the state or a local government;
 - (e) Itinerant merchant who is located at a farmer's market;
 - (f) Who is an official, registered participant of a festival or event sponsored by a nonprofit organization, which event has been approved by the village according to the special events policy; or
 - (g) Itinerant merchant who sells goods at an auction conducted by an auctioneer licensed in compliance with G.S. Chapter 85B.
4. *Door-to-door Solicitation Exceptions.*
 - (a) Those who solicit solely to industrial, commercial or professional establishments within the village;
 - (b) Those who solicit solely agricultural or forest products which have not been subjected to any manufacturing process;
 - (c) Door-to-door solicitors who maintain a fixed permanent location from which they make at least 90% of their sales;
 - (d) Door-to-door solicitors who comply with G.S. § 25A-38 (consumer credit sales at residences with right to cancel) or G.S. § 14-401.13 (off-premises sales of consumer goods or services of \$25 or more); and
 - (e) Those soliciting for schools, educational, fire, police, religious or charitable organizations when the provisions of any applicable business license tax ordinances or permitting procedures have been complied with.

§ 111.03 APPLICATION; FEES.

An application for the permit required by §111.02 of this chapter shall be accompanied by a permit fee as provided below.

(A) *Door-to-door Solicitor.* The application for a door-to-door solicitor shall include:

1. A valid government-issued form of photographic identification;
2. The applicant's name, home and business address, telephone number, photograph, and social security number;
3. The address, telephone number, taxpayer identification number and/or employer identification number, of any company, firm, organization, or person for whom the applicant is acting as an agent or employee;

(Ord. 94-21, passed 12-19-94; Ord. 2015-02, amended 7-14-2015; Ord. 2023-07, amended 9-25-2023)

4. A statement and description of the type of service(s) or product(s) being sold or offered;
5. A statement of the time period (not to exceed six [6] consecutive months) for which the permit is sought;
6. A statement of whether the applicant has been convicted of any misdemeanor or felony in any jurisdiction in any state in the past ten [10] years, and if so, provide details for each conviction;
7. A statement of the applicant's date of birth, place of birth, height, weight, eye color, hair color, and/or other unique identifying information (scars, tattoos, etc.); and
8. A certified copy of a criminal background check through the North Carolina State Bureau of Investigation's Division of Criminal Investigation Network that has been reviewed and approved by the Forsyth County Sheriff's Department that meets the following criteria:
 - i. An "NC Only – Criminal/Investigative Name Inquiry" shall be conducted for all applicants.
 - ii. An additional "Out-of-State Name Query" from the applicant's state of origin shall be conducted for applicants with out-of-state identification.

(B) *Itinerant Merchant/Specialty Market Vendor.* The application for an itinerant merchant shall include:

1. The name, home, and business address of the applicant, the name and the owner of the vending business, or the cart or motor vehicle to be used in the operation of the vending business if other than the applicant;
2. A description of the type of food, beverage, or merchandise to be sold;
3. A description of the proposed location or locations of the vending business, except that vendors from motor vehicles shall describe the general area in which they propose to vend if less than the entire village; and
4. A copy of any approval required by the Forsyth County Health Department pursuant to the *Rules Governing the Sanitation of Restaurants and Other Food-Handling Establishments*, 10 NCAC Chapter 10, Subchapter 10A.
5. A certified copy of a criminal background check through the North Carolina State Bureau of Investigation's Division of Criminal Investigation Network that has been reviewed and approved by the Forsyth County Sheriff's Department that meets the following criteria:
 - i. An "NC Only – Criminal/Investigative Name Inquiry" shall be conducted for all applicants.
 - ii. An additional "Out-of-State Name Query" from the applicant's state of origin shall be conducted for applicants with out-of-state identification.

(C) *Application Fee.* A non-refundable application fee of \$100.00 shall accompany the application.

§ 111.04 PERMIT; ISSUANCE AND TERM.

(A) Not later than 30 days after filing a completed application for a vendor's permit, the applicant shall be notified by the Village Manager or his/her designee of the decision to issue or deny the permit.

(B) The Village Manager or his/her designee shall consider the applicant's criminal record report and any other information reasonably deemed relevant in determining whether to grant a permit. If the permit issuance is approved, the Village Manager or his/her designee shall issue the permit. If the permit is denied, the applicant shall be provided with a statement of the reasons therefore, which reasons shall be entered in writing on the application.

(Ord. 94-21, passed 12-19-94; Ord. 2015-02, amended 7-14-2015; Ord. 2023-07, amended 9-25-2023)

- (C) A permit issued pursuant to this chapter is valid from the date of application for six consecutive months or until the requested term of the permit as stated in the application, whichever shall be greater.
- (D) Applicants who are denied permits may appeal the denial to the Village Manager in writing. Appeals shall be delivered to the Village Clerk within 30 days of denial. The Village Manager or his/her designee may, but is not required to, hold an in-person hearing to consider any evidence and arguments made by the applicant.

§ 111.05 PROHIBITED CONDUCT.

- (A) No vendor shall vend within 300 feet of the grounds of any school from 1/2 hour prior to the start of the school day to 1/2 hour after the dismissal of the end of the school day.
- (B) No vendor shall vend within 300 feet of any Village of Clemmons park, greenway, or recreation area, except with village approval, in connection with an approved event.
- (C) It shall be unlawful to conduct door-to-door solicitation during the hours between 6:00 p.m. and 9:00 a.m. Monday through Saturday, nor at any time on Sunday.
- (D) Leave a sales stand, pushcart, or sales area unattended.
- (E) Store, park, or leave any pushcart overnight on any street or sidewalk or park any mobile food unit other than in a lawful parking place in conformance with village and state parking regulations.
- (F) Leave any location without first picking up, removing, and disposing of all trash or refuse remaining from sales made.
- (G) Sell anything other than that which he is licensed to vend.
- (H) Sound or permit the sounding of any device which produces noise, or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public.
- (I) Fail to display identification issued by the N.C. Dept. of Revenue and the Village with the permits described in §111.04.
- (J) Set up, maintain or permit the use of any table, crate, carton, rack, or any other device to increase the selling or display capacity of his pushcart or mobile food unit where such items have not been described in his application.
- (K) It shall be unlawful for any person to sell or offer for sale any food, beverage, or other merchandise of any description within the boundaries of any public park, greenway, or recreational area owned or operated by the Village of Clemmons, or any village-owned property unless the person is acting within the scope of his or her employment as an employee of the Village of Clemmons or is duly authorized to sell the merchandise at the

place where it is being offered for sale under a valid, subsisting contract or agreement between the person and the Village of Clemmons.

- (L) A person is prohibited from standing on any street, highway, or right-of-way, excluding sidewalks, while soliciting or attempting to solicit, any employment, business, or contributions from the driver or occupants of any vehicle. This prohibition does not pertain to activities of licensees, employees, or contractors of the Department of Transportation or any municipality engaged in construction or maintenance or in making traffic or engineering surveys.
- (M) A vendor shall not solicit at residences where the owner or occupant has erected signage or a notice that such solicitation is not desired.
- (N) A vendor may not solicit or sell at any residence listed on the list authorized and defined in section 111.07.
- (O) A vendor may not solicit in any manner that a reasonable person would find obscene, threatening, intimidating, or abusive.

§ 111.06 DENIAL, SUSPENSION AND REVOCATION OF PERMIT.

- (A) Any vendor's permit may be denied, suspended, or revoked for fraud or misrepresentation in the application for the permit or in the conduct of the business, for conduct of the business in such a manner as to create a public nuisance or constitute a danger to the public health, safety, welfare, or morals or for conduct which is contrary to the provisions of this chapter.
- (B) *Door-to-door Solicitor.* Door-to-door solicitor's permit may be denied, suspended, or revoked for the following:
 1. If, within the preceding ten years (for felonies) or five years (for misdemeanors), the applicant has been convicted of a Class A, B, C, D, E, F, or H felony as defined by G.S. 14-1. (or its equivalent from the applicant's state of origin), or of any crime involving moral turpitude, or other crimes of like nature; or
 2. The applicant is not in fact a legitimate agent or employee of the company, firm, organization, or person that the applicant purports to represent; or
 3. Any of the information provided by the applicant pursuant to subparagraph 111.03 *Application; Fees* is false or incorrect; or
 4. The applicant has had a permit revoked within one year prior to the date of application.
- (C) Failure to visibly display permit shall be subject to revocation of such permit.

§ 111.07 VILLAGE SHALL MAINTAIN A LIST OF RESIDENCES WHO DO NOT CONSENT TO SOLICITATION

The Village shall establish and maintain a registration list of private residences where an owner or occupant does not consent to allow solicitors, vendors, or door-to-door solicitors to enter their property for the purposes of selling. The Village shall update this list annually. It shall be presumed that a private residence registered and listed does not consent to solicitations occurring on the owner or occupant's property.

§ 111.08 RESERVED.

Reserved.

§ 111.09 RESERVED.

Reserved.

§ 111.10 PENALTY, FINES.

Violations are punishable by a civil fine of \$100. Each day that a door-to-door solicitation or itinerant merchant violates any portion of this chapter is considered a separate violation.

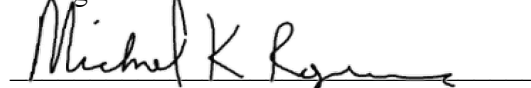
§ 111.11 ENFORCEMENT.

Any law enforcement agent, the Village Manager or his/her designee, upon showing proper credentials and in the discharge of his or her duties, may initiate any appropriate action or proceedings to prevent, restrain, correct, or enforce any violation of this chapter.

This amendment shall be effective from and after its adoption.

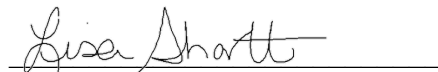
Adopted, this the 25th day of September 2023.

Village of Clemmons



Michael K. Rogers, Mayor

Attest:



Lisa Shortt, Village Clerk

