

CITY OF LANCASTER

Building, Planning, Zoning & Licensing Department
PO Box 1149 216 S. Catawba Street
Lancaster, SC 29721
(803) 283-4253



SOLICITATION APPLICATION/PERMIT

Name of Firm: _____ Date(s) of Solicitation: _____

Business Address: _____

City & State: _____

Type of Business: _____

Auto Tag #: _____ Driver's License #: _____

Name of Representative: _____

Address of Representative: _____

City & State: _____

Conditions under which permit is issued:

- Any contract signed by any resident of this City can and will be canceled with ten (10) days written notice to the above-named firm or its representative.
- This firm will agree that they are willing for the City of Lancaster to publish their method of operation in the Lancaster News.
- The manager and personnel of the above-named firm have acknowledged that they fully understand that ANY complaints not handled to the satisfaction of the city office, will cause this permit to be null and void and surrender it to the City Administrator.
- That the above-named firm fully understand that their operation will be carefully monitored and that any questionable practice will subject them to the immediate cancellation of this point and once canceled, this permit cannot be renewed.
- THIS PERMIT APPLIES TO SOLICITATION ONLY ON PUBLIC RIGHT-OF-WAYS AND DOES NOT APPLY TO SOLICITATION WITHIN/OR INSIDE A PRIVATE CONCERN WITHOUT THE EXPRESSED PRIOR APPROVAL OF THE OWNER/MANAGER OF THE BUSINESS.

The contents of this permit have been read and are fully understood and accepted by the undersigned who is the responsible party and so authorized to sign this agreement.

Name: _____

Title: _____

Approved by City of Lancaster on this _____ day of _____, 20_____.

Chief of Police: _____

DIVISION 1. GENERALLY

Sec. 10-182. Going in and upon private residences for certain purposes.

- (a) The practice of going in and upon private residences in the city by itinerant merchants and transient vendors of merchandise and printed matter, not having been requested or invited to do so by the owner or occupant of such private residences, for the purpose of soliciting orders for the sale of goods, wares, merchandise, and printed matter or for the purpose of disposing of or peddling or hawking the same, is hereby declared to be a nuisance and punishable as a misdemeanor.
- (b) The police department shall suppress such practice and abate any such nuisance as is described in subsection (a) of this section.
- (c) Any person convicted of perpetrating a nuisance as described and prohibited in subsection (a) of this section shall, upon conviction thereof, be punished as provided in section 1-7.

(Code 1974, § 28-16.1; Code 1991, § 22-81)

Secs. 10-183—10-202. Reserved.

DIVISION 2. PERMIT FOR ENGAGING IN BUSINESS

Sec. 10-203. Required.

Every person soliciting orders for merchandise, every itinerant merchant and every transient vendor of merchandise shall, before engaging upon his business, obtain a permit from the city as required in this division.

(Code 1974, § 28-17; Code 1991, § 22-91)

Sec. 10-204. Application therefor.

Any person desiring a permit as required in section 10-203 shall file an application therefor with the administrator, which application shall set forth such information as may be required by the administrator.

(Code 1974, § 28-18; Code 1991, § 22-92)

Sec. 10-205. Investigation of applicant; right of applicant to sell goods, etc.

It shall be the duty of the administrator, upon the filing of an application pursuant to section 10-204, to investigate the applicant in question to determine whether or not he has authority to make sales or take orders. Before issuing a permit, the administrator shall determine that the applicant is the representative of the person whose goods, wares and merchandise he might sell or offer for sale, and that such person for whom such applicant may be an agent shall be a reliable concern.

(Code 1974, § 28-19; Code 1991, § 22-93)

Sec. 10-206. Denial or issuance.

If the administrator should find that the person filing an application, as provided in section 10-204, does not have proper authority, or that the firm is not a reliable concern, he shall decline to issue a permit to such applicant. If the administrator shall determine and find that the applicant is a bona fide representative of a reliable concern and is otherwise a suitable and proper person to engage in such business, he shall, subject to section 10-207, issue to the applicant a permit authorizing him to pursue the business or any part thereof referred to in this article.

(Code 1974, § 28-20; Code 1991, § 22-94)

Sec. 10-207. Fees.

A permit, if issued, as provided in section 10-206, shall be issued upon payment of a fee established and from time to time modified by action of city council.

(Code 1974, § 28-21; Code 1991, § 22-95; Ord. No. 001-20, 8-28-2001)

Secs. 10-208—10-237. Reserved.

ARTICLE VI. PERSONAL PROPERTY SALES IN RESIDENTIAL DISTRICTS

Sec. 10-238. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Garage sale means all general sales, open to the public, conducted from or on a residential premises, in any vacant lot within the city, for the purpose of disposing of personal property, including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market" or "rummage" sale. The term "garage sale" does not include a situation where no more than five specific items are held out for sale and all advertisement of such sale specifically names those items to be sold.

Personal property means property which is owned, utilized and maintained by an individual or members of his residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

(Code 1974, § 28-23; Code 1991, § 22-116)

Sec. 10-239. Findings of council; purpose and intent.

The city council finds and declares that:

- (1) The intrusion of nonregulated garage sales is causing annoyance to citizens in areas in the city and congestion of the streets in areas in the city.
- (2) The provisions contained in this article are intended to prohibit the infringement of any businesses by regulating the term and frequency of garage sales, so as not to disturb or disrupt the residential environment of the area.

- (3) The provisions of this article do not seek control of sales by individuals selling a few of their household or personal items.
- (4) The provisions and prohibitions hereinafter contained are enacted not to prevent but to regulate garage sales for the safety and welfare of the city's citizens.

(Code 1974, § 28-22; Code 1991, § 22-117)

Sec. 10-240. Property permitted to be sold under article.

It shall be unlawful for any individual to sell or offer for sale, under authority granted by this article, property other than personal property.

(Code 1974, § 28-24; Code 1991, § 22-118)

Sec. 10-241. Permit required.

No garage sale shall be conducted unless and until the individuals desiring to conduct such sale shall obtain a permit therefor from the director of finance. Members of more than one residence may join in obtaining a permit for a garage sale to be conducted at the residence of one of them.

(Code 1974, § 28-25; Code 1991, § 22-119)

Sec. 10-242. Written statement required.

Prior to issuance of any garage sale permit, the individual conducting such sale shall file a written statement with the director of finance at least 24 hours in advance of the proposed sale (mailed applications must be postmarked at least seven days in advance of sale) setting forth the following information:

- (1) Full name and address of applicant.
- (2) The location at which the proposed garage sale is to be held.
- (3) The date, or dates, upon which the sale shall be held.
- (4) The date, or dates, of any other garage sales within the current calendar year.
- (5) An affirmative statement that the property to be sold was owned by the applicant as his own personal property and was neither acquired nor consigned for the purpose of resale.

(Code 1974, § 28-26; Code 1991, § 22-120)