

ADOPTED

JUN 25 2013

Board of Supervisors
James City County, VA

ORDINANCE NO. 146A-2

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18, SOLICITATION FOR NONCHARITABLE PURPOSES OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 18-3, PERMIT-APPLICATION GENERALLY, SECTION 18-4, STANDARDS FOR GRANTING; ISSUANCE OR DENIAL, SECTION 18-5, SAME – APPLICANT’S PHOTOGRAPH, REFERENCES AND FINGERPRINTS, SECTION 18-12, PERMIT DENIAL; APPLICATION FOR RELIEF.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 18, Solicitation for Noncharitable Purposes, is hereby amended and reordained by amending Section 18-3, Permit-Application Generally, Section 18-4, Standards for Granting, Issuance or Denial, Section 18-5, Same – Applicant’s Photograph References and Fingerprints, Section 18-12, Permit Denial, Application for Relief.

Chapter 18

SOLICITATION FOR NONCHARITABLE PURPOSES

Sec. 18-3. Permit-Application generally.

(a) An application for a permit required by this chapter shall be made to the *James City County Police Department administrator*. Such application shall be sworn to and filed with the *James City County Police Department administrator, or his designee*, at least 15 days prior to the time at which the permit applied for shall become effective. The application shall contain the following information, or in lieu thereof, a detailed statement of the reasons why such information cannot be furnished:

- (1) The name, address or headquarters of the person applying for the permit.
- (2) If the applicant is not an individual, the names and addresses of the applicant's principal officers and managers and a copy of the resolution, if any, authorizing such solicitation, certified to as a true and correct copy of the original by the office having charge of the applicant's records.
- (3) The make, model and license plate of any vehicle used in conducting the solicitation.
- (4) The kinds of goods, wares, merchandise offered for sale and whether such applicant, upon any such order obtained, will demand, accept or receive payment or deposit of money in advance of final delivery.
- (5) The period of time the applicant wishes to solicit to take orders in the county, giving the preferred dates for the beginning and ending of such solicitation.
- (6) The names and addresses of the person who will be in direct charge of conducting the solicitation and the names of all promoters connected or to be connected with the proposed solicitation.
- (7) An outline of the method or methods to be used in conducting the solicitation.

- (8) A statement to the effect that, if a permit is granted, it will not be used or represented in any way as an endorsement by the county, or by any department or officer thereof.
- (9) A statement as to whether the applicant has ever been convicted of a felony or a misdemeanor involving moral turpitude and, if so, under what circumstances.
- (10) Such other information as may be reasonably required by the *James City County Police Department administrator* in order to determine the kind and character of the proposed solicitation and whether such solicitation is in the interest of and not inimical to the public welfare.

(b) If, while any application is pending, or during the term of any permit granted thereon, there is any change in fact, policy, or method that would alter the information given in the application, the applicant shall notify the administrator in writing thereof within 24 hours after such change.

Sec. 18-4. Standards for granting; issuance or denial.

(a) A certificate of registration shall be granted unless the *James City County Police Department administrator* finds:

- (1) That the criminal record of the applicant shows that he has been convicted (including pleas of nolo contendere and forfeitures) of a crime involving moral turpitude or of a felony.
- (2) That the applicant has been convicted (including pleas of nolo contendere and forfeitures) of more than one misdemeanor, excluding motor vehicle code violations.
- (3) That the applicant has made a false, fraudulent or misleading material statement in his application.
- (4) That the applicant has been convicted (including pleas of nolo contendere and forfeitures) of a violation of the laws of any jurisdiction relating to selling, vending, soliciting, peddling, hawking or canvassing.
- (5) That the applicant has been convicted of a crime involving a fraud upon any person, whether or not such fraud was perpetrated in the course of his conducting a solicitation activity.

(b) The *James City County Police Department administrator* shall file in *its* his office, for public inspection, and shall serve upon the applicant, by registered mail, a written statement of facts and his decision upon each application.

Sec. 18-5. Same - Applicant's photograph, references and fingerprints.

(a) All applications for a permit under this chapter shall be accompanied by a photograph of the applicant, and two written references as to his, or their, good character; the photograph shall *have been taken within 60 days of submitting application and shall* be attached to the application.

(b) All applicants for a permit under this chapter shall be fingerprinted by the James City County police department, which department shall send the prints to the Federal Bureau of Investigation for checking.


Sec. 18-12. Permit denial; application for relief.

(a) Upon denying a permit applied for under this chapter, the *James City County Police Department county administrator* shall promptly notify the permit applicant.

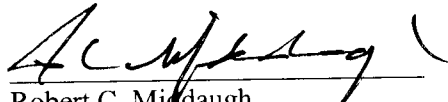
(b) Within five days after receiving notification that the application for a permit to solicit under this chapter has been denied, the applicant may file a written request for a hearing on the application before the board of

supervisors, together with written exceptions to the findings of fact upon which the *James City County Police Department* ~~county administrator~~ based the denial. Upon the filing of such a request, the board of supervisors shall fix a time and place for the hearing and shall notify the applicant thereof. The hearing shall be held within 30 days after the request is filed. At the hearing, the applicant may present evidence in support of the application. Any interested person may, in the discretion of the board of supervisors, be allowed to participate in the hearing and present evidence in opposition to or support of the application.

(c) Within 21 days after the conclusion of the hearing provided for in subsection (b), the board of supervisors shall either grant or deny the application for a permit.


 John J. McGlennon
 Chairman, Board of Supervisors

ATTEST:


 Robert C. Midaugh
 Clerk to the Board

	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
MCGLENNON	<u>X</u>	—	—	—
JONES	<u>X</u>	—	—	—
KENNEDY	—	—	—	<u>X</u>
ICENHOUR	<u>X</u>	—	—	—
BRADSHAW	<u>X</u>	—	—	—

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of June, 2013.